

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

APPEAL NO.846 OF 2005
IN
WRIT PETITION NO.529 OF 2002

Vinodchandra Keshavlal Shah

.. Appellant

v/s.

M/s.Manilal Patel & Co. and ors. .. Respondents

Mr.S.N.Deshpande for the appellant.

Mr.K.S.Bapat i/by Mr.J.K.Desai for the respondent
No.1.

CORAM : R.M.LODHA AND
D.G.KARNIK, JJ.

DATED : 19th November, 2005

P.C.

Heard Mr.S.N.Deshpande, the learned counsel
for the appellant. We also perused the order
dated 9th April, 2001 upon which reliance was
placed by the learned counsel for the appellant.

2. By the order dated 9th April, 2001, the
Industrial Court declined to frame issue of
jurisdiction and to decide the same as preliminary
issue. In the said order, the Industrial Court
has not recorded any finding about the
maintainability of complaint or otherwise. In
this view of the matter, the observation of the
learned Single Judge that the aspect regarding the
jurisdiction and the maintainability of complaint
shall be decided at the time of the hearing of the
complaint, cannot be faulted.

3. The impugned order does not call for any interference. The appeal is dismissed in limine.

(R.M.LODHA, J.)

(D.G. KARNIK, J.)